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COMMITTEE ON CRIME PREVENTION AND CONTROL
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Agenda item 8*

ADOPTION OF THE REPORT OF THE COMMITTEE

DRAFT REPORT

Rapporteur: Roger S. Clark (New Zealand)

CHAPTER _____. REVIEW OF THE FUNCTIONING AND PROGRAMME OF WORK OF THE UNITED NATIONS IN CRIME PREVENTION AND CRIMINAL JUSTICE

1. The Committee considered item 6 of the agenda at its seventh, eighth and ninth meetings on 8 and 9 February. It had before it a note by the Secretary-General on the results of the review undertaken by a sub-committee (E/AC.57/1990/6), which had been appointed by the Chairman of the Committee on Crime Prevention and Control in accordance with its resolution 10/1 of 31 August 1988.

2. In his introductory statement, the former Chairman of the Committee, who served as the Chairman of the sub-committee, mentioned that the sub-committee had met at Riyadh on 18 and 19 January 1989, with the support of the Arab Security Studies and Training Centre. The meeting was attended by members of the Bureau of the Committee and other designated experts, as well as by the directors of the regional and interregional institutes for the prevention of crime and the treatment of offenders, the Arab Security Studies and Training Centre and the Australian Institute of Criminology.

3. The sub-committee's report stressed that crime control ranked at the forefront of governmental responsibilities and was a prerequisite for national progress. Indicating that the available mechanisms for assisting countries with problems of crime and justice were still deficient, the sub-committee called for greatly

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strengthened international assistance to help States to deal with problems of national and transnational crime by the creation of a genuinely effective international crime and justice programme, using the modality of an international convention.

4. The Chairman of the sub-committee noted that, despite the Organization's budgetary limitations, other United Nations programmes had been allotted additional resources, while the crime prevention programme was still suffering from severe constraints. It seemed to operate at a continuing disadvantage, in spite of the calls for improvement of the situation. That state of affairs could not continue. It was necessary to get to the root of the problem and to take appropriate action, as suggested in the sub-committee's report. It was not a matter of assigning blame but, rather, of identifying weaknesses in the system that created that unsatisfactory situation.

5. In commenting on the sub-committee's report, one of the co-rapporteurs pointed out that it was aimed at Government policy makers and not only at crime prevention and criminal justice professionals. Its objective was to increase the United Nations capacity and effectiveness in responding to the pervasive needs of countries in that field, as well as strengthening international co-operation in dealing with the increasingly transnational crime problems.

6. Another co-rapporteur pointed out that the anomaly between the extensive responsibilities to be discharged and the limited resources available for that United Nations programme made the Committee's task similar to that of Don Quixote. A more effective programme in that field involved a number of elements, including an international criminal code and a court whose jurisdiction would have to be defined. A basic restructuring of the United Nations mechanisms dealing with crime prevention and control was necessary, with appropriate qualitative and quantitative changes, including the requisite financing for the programme.

7. The third co-rapporteur echoed the call for a greatly strengthened United Nations crime and justice programme commensurate with the national and international requirements. Since the various resolutions adopted on the subject had not yielded the desired results, it was felt that an international convention would provide the framework for reinforced and consolidated United Nations action in the crime field.

8. There was accord in welcoming the report and many participants congratulated the sub-committee on the important work it had done. The report should be given to politicians and other decision makers, so that they became fully aware of the crime problems and the necessity of concerted action. Some speakers indicated their intention to sign the Declaration on the End of Complacency, which accompanied the report. The drafting style of the Declaration was commended.

9. Participants agreed that the report articulated the concerns voiced by the Committee members over the years in their calls for a more vigorous United Nations crime prevention and criminal justice programme that would meet the mounting needs. It was pointed out that the report correctly reflected the disturbing world crime situation, though its language might require some adjustment. The improved political climate was not accompanied by enhanced security and safety; the relaxation of international tensions permitted countries to focus on internal peace, but in the longer run, stronger United Nations leadership and assistance had to be provided for that purpose.

10. Unquestionably, decisive steps had to be taken to remedy a situation that prevented a suitable level of international activity in dealing with crime and justice. Viable action in that problem area was central to national well-being and developmental progress. Within a reasonable time-frame, a new international crime and justice programme was clearly needed, with an increased scope and capability to meet the proliferating needs of Member States in the field, especially of developing countries. A more effective system of international co-operation against crime was also mandated by the growing transnationalization of crime, which called for a commensurate response. It was agreed that while excellent work had been done by the small Branch under serious constraints, an increased capability was necessary to respond to the requirements imposed by the widening extent and new, threatening forms of crime. Since the crime situation caused widespread alarm and involved changing manifestations and new sophisticated forms of crime, high-level attention to it was essential. To mobilize it, the convening of a summit meeting on crime and justice was proposed.

11. Some participants underlined the necessity of the United Nations crime programme having greater leverage so that it could fulfil its essential tasks. Several Committee members stressed the seriousness of the crime situation in their regions and the need for a more effective international response. Member States, especially developing countries, urgently required practical assistance, and a vigorous technical assistance and co-operation programme should be part of any new

programme. Studies on crime trends and measures to combat criminality were badly needed, including effective regional and global strategies. The exchange of expertise and experience was extremely important, and the developed countries should help their counterparts in the third world in that regard. Yet, some of them suffered from the negative effects of transnational crimes, such as the dumping of nuclear wastes, which should be halted and subjected to international control. In view of its key importance, crime prevention deserved to rank beside other major governmental and international concerns since it was essential for stable and sustained development: as such, it should be included in development planning and in the mainstream of United Nations activities.

12. It was commendable, some participants noted, that so much had been achieved in spite of the difficulties, and that considerable impact had been exerted; it showed what could be accomplished with commitment and hard work. But that did not negate the fact that there existed a considerable imbalance between the workload deriving from the increased mandates, and the limited institutional capacity to fulfil them. There was a wide spectrum of needs that had to be met. The current crime picture underlined the urgency of corrective action. The time for piecemeal remedies had passed. There was agreeement that something drastic had to be done to change the situation so as to give the United Nations crime programme its due and permit it to better fulfil its potential in the service of Governments and the international community. There were some differences of opinion as to how that could best be achieved.

13. Many participants called for the elaboration of a convention on crime prevention and criminal justice in order to provide a framework for the programme and to stipulate the obligations of States parties. However, several participants felt that a convention would not, of itself, attract the necessary financial support. It was pointed out that while the convention was a long-term goal, there were certain immediate steps that had to be taken. It was also agreed that there was no dichotomy of convention versus programme, since the convention would be an element of the programme and a possible framework for it. There was some discussion on the type of convention to be formulated and how that process could be carried forward.

14. There were two basic ways of approaching the proposed convention: the first saw the convention as an instrument consolidating all the existing crime prevention and criminal justice provisions of multilateral and bilateral treaties, agreements and norms. The second viewed the convention as providing a framework for

international co-operation in crime and justice, in general. Its main goal would be to provide the international community with a solid basis for a more effective world-wide programme in the crime field.

15. Many experts felt that the convention was desirable as it could provide a strong basis and vehicle for the United Nations crime programme that was as yet lacking. The Eighth Congress could well give the mandate for it. Since the development of a convention was a protracted process, appropriate steps also had to be taken in the near future to alleviate the situation. One observer conveyed his country's offer of assistance and host facilities for expert meetings devoted to the development of the convention.

16. Some experts, who questioned the likelihood of the Convention serving as a panacea, focused mainly on programme content and modalities. Although the subjects to be dealt with were undoubtedly important, it was pointed out that priorities varied between countries and over time. It was thus rather a matter of establishing some basic principles and developing the machinery that would permit a more effective response to the various concerns of Governments and international concerns.

17. Some participants indicated that, if other avenues failed, it might be necessary to establish a special crime prevention agency: the specialized agencies, the Office of the High Commissioner for Refugees and the United Nations Children's Fund (UNICEF) were cited as possible models. Others suggested that new mechanisms should be developed within the existing United Nations system and that energies should be directed towards implementing a new, integrated and practical crime prevention and criminal justice programme focusing on certain priority areas, with a clear indication of the prospective costs and benefits.

18. Most participants stressed that any new organizational structure should be a United Nations entity because the United Nations was the organization that could provide the necessary framework and consolidate the efforts of the international community. It was also pointed out that through conventions States committed themselves to certain obligations, but that those did not necessarily have programme or financial implications. The political will had to be mobilized to advance further, and that meant convincing Governments of the advantages to be gained from the new programme.

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19. It was also proposed that in order to increase the input of Governments, an intergovernmental commission might be established which, with the Committee serving as an expert body, would provide a two-tier arrangement, similar to that existing in the area of human rights. It was suggested that the sub-committee should have a continuing follow-up and monitoring role.

20. Ways of highlighting the programme and attracting support had to be imaginatively explored. An exciting possibility that should be pursued was the holding of a summit, for instance after the Congress: it would draw attention to the needs and issues, and might provide a platform for the adoption of the proposed convention. It would be a major political event that would serve to strengthen international co-operation in the crime field and the United Nations' role in it. But since it would be short, it had to be well prepared. It was hoped that in the working group concrete proposals would be made and existing ones clarified so that optimal decisions could be taken. Since there was unanimity on the basic aim of a much stronger United Nations crime and justice programme, the articulation of the modalities for achieving it should be the logical next step, whose direction the sub-committee had already indicated, but which should be made concrete.

21. Responding to the comments made, the Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders stated that while she shared the Committee's frustration with the current situation and lack of adequate means, a convention or new organization would not automatically ensure proper funding. Admittedly, the Crime Prevention and Criminal Justice Branch did not have enough resources, but neither did other offices of the United Nations Office at Vienna, which were also being asked to do more with less. The Director-General quoted updated figures on the financial and staff resources situation of the Branch. The constraints in the regular budget were real and likely to continue. Extrabudgetary funds thus seemed to be the only immediate solution, to be sought within the existing United Nations structure. She noted that some extrabudgetary support had been provided and expressed her appreciation of it. But she agreed that more resources were needed and looked to the Committee for suggestions on how they could be obtained. She hoped that they would be realistic. The current international financial climate did not seem propitious to the creation of a new crime prevention agency. She was sympathetic to staff needs of the crime and justice programme and had hoped to strengthen it through redeployment, but the General Assembly had decided, last year, against the projected transfer of some posts to Vienna. However, proposals for strengthening the United Nations Office at Vienna were to

be submitted to the Secretary-General and the relevant needs would be considered in the exercise. Some added resources were provided for the Congress, and some contributions in kind were expected. Extrabudgetary means seemed to be the only major possibility, for the time being, and she would do her best to help obtain such further support. It was also necessary to keep the programme linked with other related areas in the United Nations Office at Vienna in order to maintain a truly integrated approach to social issues.

22. The issues raised in the plenary were further discussed in a working group and drafting group established by it, which proposed some revisions to the sub-committee's report, to be incorporated in the final version to be submitted as the Committee's report to the Eighth Congress.